

Election Procedures Review
Of
Pierce County
State of Washington
2007 Primary Election



Conducted by the
Office of the Secretary of State
Election Certification and Training Program

Introduction

The Washington State Legislature enacted legislation in 1992 mandating that the Office of the Secretary of State review county election procedures and practices. The Election Certification and Training Program was established within the Elections Division of the Office of the Secretary of State to conduct reviews and to provide for the certification of election administrators. In 2005, the Legislature expanded the Election Certification and Training Program to require that each County Auditor's Office be reviewed at least once every three years. The Legislature also added a requirement that the Program conduct a follow-up visit to verify that the County Auditor's Office has taken steps to correct the problems noted in the report.

The election review process is governed by RCW 29A.04.510 through 29A.04.590 and Chapter 434-260 of the Washington Administrative Code.

Pursuant to RCW 29A.04.570(1)(b), the Election Certification and Training Program conducted an election review in Pierce County during the 2007 Primary Election cycle. Kay Ramsay, Elections Program Specialist, represented the Election Certification and Training Program during the review. Pat McCarthy, Pierce County Auditor, Michael Rooney, Lori Augino and other members of the staff participated on behalf of the Pierce County Auditor's Office.

Both the reviewer and the Pierce County Elections Department approached the review in a spirit of cooperation. The department allowed the reviewer to thoroughly review and examine all aspects of the election processes. The staff provided documentation and materials during the review which greatly contributed to a successful examination process.

The purpose of this review report is to provide the Pierce County Elections Department with a useful evaluation of its election procedures and policies and to encourage procedural consistency in the administration of elections throughout the state. This review report includes a series of recommendations and/or suggestions that are intended to assist the Pierce County Elections Department in improving and enhancing its election processes.

The reviewer is statutorily prohibited from making any evaluation, finding, or recommendation regarding the validity of any primary or election, or of any canvass of the election returns. Consequently, this review report should not be interpreted as affecting the validity of the outcome of any election or of any canvass of election returns.

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Overview

In the course of this review, the reviewer observed pre-election tasks, election procedures, post-election procedures, canvassing, and certification of the election. The election staff verbally explained the tasks the reviewer was unable to observe.

Overall, the Pierce County Auditor's Office maintains high-quality election procedures. Staff are organized, knowledgeable, and it was apparent to the reviewer that a large part of their success is due to their ability to work as a team. They have a very good understanding of the requirements and pay great attention to detail. Pierce County is fortunate to have such dedicated staff committed to maintaining the integrity of the election process. The organization and continuity that the elections staff maintains throughout the elections process are supported by the excellent communication between staff members and managers.

Extensive, hands-on training is provided for the poll workers before each election and each worker is given a detailed procedures manual for operating a poll site.

The current elections facility allows sufficient space for each part of the ballot process. With the excellent layout of this location, observers can easily define the ballot paths and observe all processes.

The following recommendations should improve and enhance Pierce County's already excellent election policies and procedures.

Recommendations

The following recommendations indicate where the county is out of compliance with the Revised Code of Washington (RCW), the Washington Administrative Code (WAC), the Washington State Constitution, or Federal election law. The reviewer provides a description of the county's procedure, a citation of the applicable law, and a recommendation based on the citation.

Questionnaires to cities towns and districts

Pierce County Elections Department correctly sends a questionnaire to all of the cities, towns, and districts in the county to obtain information necessary for candidate filing. The questionnaire lists the current information regarding incumbents, positions, and filing fees, and asks the district to either confirm that the information is correct or provide the correct information. The questionnaire does not ask for salary information.

WAC 434-215-005 requires, in part, "The questionnaire should request, as a minimum, confirmation of offices to be filled at the general election that year, the name of the incumbent, the annual salary for the position at the time of the filing period."

Recommendation: The questionnaire that the elections department sends to all cities, towns and districts, may continue to ask that the district confirm the filing fee, but the request for the districts to verify salary information must be added to the questionnaire.

Confirmation Notice

The Pierce County Elections Department sends a confirmation notice to the address on the voter's permanent registration record and not to any other addresses that the voter could reasonably expect to receive mail.

The confirmation notice does not inform voters that their registration will be canceled if they do not respond to the notice or vote in the next two federal elections.

RCW 29A.08.030(3) states, "'Confirmation notice' means a notice sent to a registered voter by first class forwardable mail at the address indicated on the voter's permanent registration record and to any other address at which the county auditor or secretary of state could reasonably expect mail to be received by the voter in order to confirm the voter's residence address."

RCW 29A.08.635 states, "The notice must inform the voter that if the voter does not respond to the notice and does not vote in either of the next two federal elections, his or her voter registration will be canceled."

Recommendation: The election staff in Pierce County must send the confirmation notice to any address where they could reasonably expect the voter to receive mail. This could include any address the Post Office provides.

The confirmation notice must be updated to include the required warning to voters.

Ballot Security

Following initial processing, the trays of ballots are stored in a room across the hall from where the ballots are tabulated. This room has a large window and anyone entering would be visible from the hallway. The room is not locked during the day. The door is locked at night and requires two separate keys to access the secured ballots. Several authorized election staff possess keys but no single staff member has keys to both of the locks, making it necessary to have two election staff members present to access the ballots every morning. The use of numbered seals and logs is not employed, nor is any other method that would detect unauthorized access to the secured ballot materials.

WAC 434-250-110(2) states, "Following initial processing, all absentee ballots must be kept in secure storage until final processing. Secure storage must employ the use of numbered seals and logs, or other security measures which will detect any inappropriate or unauthorized access to the secured ballot materials when they are not being prepared or processed by authorized personnel."

Recommendation: Following the Primary Election but prior to issuance of this report, the Elections Department relocated to a new facility equipped with state-of-the-art security technology. This technology includes the use of photo badge card keys with access limited to assigned security rights, cameras, portable fencing with locking doors for caging ballot processing areas and electronic seal logs. Consequently, ballot security is no longer an issue.

Polling Place Closing Procedures

The reviewer only observed one polling place closing at the end of the day. The polling place was somewhat disorganized. Unvoted ballots were being rendered unusable prior to the polls closing and some of the required signage was being removed prior to 8:00 p.m.

RCW 29A.44.070 states, "At all primaries and elections, general or special, in all counties the polls must be kept open from seven o'clock a.m. to eight o'clock p.m."

WAC 434-253-170 states, "After the polls have closed, and before the container holding the voted ballots is opened, the unwrapped unvoted regular and provisional ballots shall be rendered unusable."

Recommendation: Pierce County provides very good training for poll workers before each election. Training should emphasize the correct procedure for closing the polls, with special attention given to the process of making unvoted ballots unusable and secure after 8:00 p.m. but prior to opening the ballot box.

Signature Verification

During the signature verification process, if a signature is not on file and cannot be found, the procedure in Pierce County is to count the ballot and send a signature update card to the voter following certification of the election.

WAC 434-250-120 states, "A ballot shall be counted only if: ... (3) The signature has been verified pursuant to WAC 434-379-020The signature on the return envelope, or a copy of the return envelope, must be compared with the signature in the voter's voter registration file using the standards established in WAC 434-379-020."

Recommendation: The elections department must verify the signature in order to count the ballot. If necessary, they should locate the original voter registration card and enter the signature in the verification system. They should make every effort to locate the voter's signature. If a voter's signature is not on file and cannot be found, the county elections office must follow the procedures in WAC 434-261-050(3)(a) for updating the signature on file. The updated record would be used for the current election and future elections. If an updated signature is not obtained from the voter and the signature on the voter's ballot envelope cannot be verified, the ballot cannot be counted.

Suggestions

The following are suggestions for increasing efficiency and improving operations within the County Auditor's Office. Although these suggestions do not address issues involving compliance with state laws or administrative rules, the reviewer identified the tasks as areas of election administration in which the County Auditor might improve the efficiency and operation of the office.

Written Procedures

For the most part, Pierce County has up-to-date written procedures. They are thorough and cover all parts of the election process, but lack of step-by-step detail that would allow inexperienced personnel to use them.

Suggestion: Step-by-step detail should be added to the procedures manual, which would allow inexperienced personnel to step in and perform the tasks necessary to complete the procedure. Having step-by-step procedures also helps to ensure consistency in all election processes.

Ranked Choice Voting

Pierce County currently conducts two separate elections at one time. One is a Vote by Mail Election for the 75% of voters voting by absentee ballot, and a second is a Poll Site Election on Election Day. This makes a complex process even more so.

Suggestion: Pierce County will implement rank choice voting for county races in 2008. This will further complicate an already complex process, where accuracy is vital. Pierce County should consider switching to all mail elections to reduce the risk of error.

Provisional Ballots

While visiting a poll site in Pierce County on Election Day, the reviewer observed that a provisional voter was not provided any information on how to later learn the disposition of his ballot.

The Help America Vote Act requires each county to establish a free access system for provisional ballot voters. This system must provide the voter with information on the disposition of the provisional ballot.

The elections department in Pierce County has established a free access system for provisional ballot voters. They have printed cards with a phone number that the voter can call to find out whether the ballot was counted.

WAC 434-253-048(1) states, "Each county shall establish a free access system, as required by the Help America Vote Act, 42 USC sec. 15482 (a) (5), and RCW 29A.60.195 for provisional ballot voters."

RCW 29A.60.195 states, “The auditor shall provide the disposition of the provisional ballot and, if the ballot was not counted, the reason why it was not counted, on a free access system such as a toll-free telephone number, web site, mail, or other means.”

Suggestion: Prior to each election, the poll workers are instructed to give provisional ballot voters the information they need to find out the disposition of their voted provisional ballots. This procedure was not included in the Poll Worker Quick Reference Guide or flip chart that the poll workers refer to for operating the poll site on Election Day.

It should be emphasized in the poll worker training that provisional ballot voters should be given the instructions on finding out the disposition of the ballot. The Elections Department should also ensure that this information be included in all of the Poll Worker Quick Reference Guides.

County's Response to Draft Review Report

The Election Certification and Training Program issued a Draft Review Report to the Pierce County Canvassing Board in March 2008. In accordance with WAC 434-260-145, we provided Pierce County 10 days to respond, in writing, to recommendations listed in the draft report.

The Pierce County Canvassing Board provided the following response to the Draft Review Report. The signed original of their response is on file in the Office of the Secretary of State.



Pierce County

Auditor's Office

Pat McCarthy
Pierce County Auditor

April 18, 2008

Keri Rawlings-Rooney
Chief Deputy Auditor

The Honorable Sam Reed
Secretary of State
PO Box 40220
Olympia, WA 98504-0220

Steve Kosche
Information Specialist

Dear Secretary Reed:

Lori Augino
Elections Manager

I wanted to take this opportunity to thank the Office of the Secretary of State for reviewing our August 2007 Primary Election. We have already provided comments to the items raised in the Preliminary Review Report. The reviewer acknowledges that we have provided this response and we understand that it is on file with your office. The purpose of this letter is to provide you with the official response from the Pierce County Canvassing Board to the Draft Review Report.

Michael Rooney
Elections Supervisor

Vickie Chasco
Licensing/Recording
Manager

This review indicates that Pierce County is doing an excellent job of administering elections for the citizens of Pierce County and the State of Washington. The Pierce County Auditor's Office and the Canvassing Board strive to conduct each election in a professional, accurate and transparent manner. We welcome the recommendations and suggestions by the Office of the Secretary of State. Our response is as follows:

Patti Shay
Licensing Supervisor

Lisa Drury
Recording Supervisor

Recommendations:

Questionnaires to cities, towns and districts

The Pierce County Auditor and Canvassing Board contend that the Elections Division is in fact meeting the intent of WAC 434-215-005. In accordance with State law a letter and a questionnaire is mailed to all Districts to verify the accuracy of all information in preparation for filing week. The filing fee is one of the items verified. Since the filing fee is based upon the annual salary at the time of filing, the verification of this fee directly correlates to the annual salary of the office. The form indicates that the filing fee is 1% of the annual salary. By asking the District to verify the filing fee, Pierce County is meeting the intent of this administrative rule. However, we have changed our questionnaire for 2008. We now request the salary and filing fee.

2401 South 35th Street, Room 200 • Tacoma, WA 98409-7481
www.piercecountywa.org/auditor

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Confirmation Notice

Pierce County prepares and sends confirmation notices utilizing the automated report features of the DIMS Voter Registration System. A confirmation notice is mailed to the current voter address on file. If another address is available, this address is added and a confirmation notice is mailed to this alternate address. In addition, these are first class forwardable pieces of mail, which under postal regulations, will be forwarded to any new address that the person has on record with the United States Postal Service.

Pierce County does recognize that our card is lacking the cancellation warning. We are in the process of updating our form now and will add the warning language in RCW 29A.08.635.

Polling Place Closing Procedures

Pierce County believes that we have the best poll workers in the country. Having said that, our poll workers are responsible for managing multiple types of sophisticated voting equipment, accurately issuing multiple ballot styles, handling increased numbers of provisional ballots and fully reconciling ballot accountability forms, work not for the faint of heart. The pressure on poll workers is immense. However, as indicated by the reviewer in the Overview, Pierce County offers “extensive, hands-on training” to all poll workers. Each worker is provided a detailed procedure manual “flip chart” for operating a poll site. Pierce County conducted poll worker training, where we emphasized the operation of all voting equipment, as well as the nuts and bolts of carrying out elections at the polls. After training and prior to Election Day, a newsletter is sent to all workers highlighting important procedures. Proper polling place closing procedures, including the defacing of ballots has been taught at every poll worker training sessions. We will address this issue specifically with the poll workers from the site visited by the reviewer. Further, we are modifying and expanding on our training methods this year and updating our “flip chart” in anticipation of a larger than normal expected Presidential Election year turnout.

Signature Verification

In a few isolated instances during the signature verification process, there is the possibility that a voter’s signature image is not accessible through the voter registration system due to technical issues. This rarely happens, but when it does, Pierce County makes every attempt to verify the signature of these few voters by searching digital signature archives, checking the VRDB or by contacting the voter. As stated in the review, a letter and a new voter registration card are sent to the voter to obtain an updated signature. Pierce County has recognized that the

lack of signature has been due to technical issue, not voter error, therefore has counted the absentee if the signature still cannot be obtained.

Pierce County has operationalized the requirements to process this ballot as instructed in the Draft Review Report as an unsigned affidavit. If the voter fails to respond, the ballot is not counted. Further attempts to contact the voter are made.

Suggestions:

Written Procedures

Pierce County maintains a number of procedures, including step by step details on how to perform various election tasks. Many of these procedures are maintained formally in the Canvassing Board Policies and Procedures Manual. Others are maintained in user notebooks, hand outs, cheat sheets, electronic files, etc. During the review Pierce County provided many of these procedures to the reviewer. Further, the Elections Division is committed to cross-training allowing the ability for staff to assist in multiple areas of the division.

We recognize the importance of detailed procedures and we can always improve in this area. In that effort, Pierce County contracted with an Election Consultant to review our current Canvassing Manual. This review was prompted by the need to include policies and procedures related to Ranked Choice Voting. A suggestion of the consultant was to break the canvassing manual into two parts, one related to policies and a second part solely devoted to procedures. Pierce County is currently in the process of finalizing these two manuals. They will be complete prior to the August, 2008 Primary Election.

Ranked Choice Voting

We agree with the reviewer's suggestion wholeheartedly. A Blue Ribbon Review Panel was formed after the RCV ballot measure was passed. The panel studied this issue and recommended that Pierce County switch to all Vote-by-Mail voting. The Auditor and the Blue Ribbon Review Panel approached the County Council and asked for their support. At this time, the legislative authority will not authorize Pierce County to conduct all elections by mail.

Provisional Ballots

Pierce County does maintain a free access system for voters to contact the Elections Division to determine the disposition of provisional ballots. In the spirit

of the Help America Vote Act (HAVA), voters casting a provisional ballot are given a card which provides direction to the voter on how to contact our office to determine if the ballot was counted. The card includes the Elections Division's local number, toll free phone number, TTY phone number and email address. Poll workers are instructed to provide this card to each provisional voter. Citizen's who contact the Elections Division are advised of the disposition of their ballot. In addition, a letter is sent to all individuals casting a provisional ballot whose vote was not counted. Further, the voter is instructed on what to do to prevent future casting of provisional ballots.

Summary

To summarize, we believe this review provides an excellent assessment of the state of elections in Pierce County. While I would like to have received a perfect review, the items outlined in your report indicate that only minor procedural changes are needed. Rest assured, Pierce County is relentless in the pursuit of improving our election processes. We are continually reviewing and adjusting our procedures, practices and protocols to provide the utmost integrity in our election process. In that spirit, we welcome these recommendations and suggestions. An effort is already underfoot to make the necessary modifications.

Sincerely,



Pat McCarthy
Pierce County Auditor

cc: Nick Handy, Office of the Secretary of State
Kay Ramsey, Office of the Secretary of State
Barbara Gelman, Pierce County Council and Canvassing Board Member
Ron Williams, Pierce County Deputy Prosecuting Attorney and
Canvassing Board Member
John Salmon, Pierce County Deputy Prosecuting Attorney and
Canvassing Board Member
Al Rose, Pierce County Deputy Prosecuting Attorney

Conclusion

The reviewer commends Pierce County Auditor's Office for its election procedures. The attention to detail, organization, and dedication to the election process was evident in every area.

In 2008, the elections department in Pierce County will implement 'rank choice' voting for some of their county offices. This will require extensive training for all of the elections staff, but will be especially critical for the staff operating the poll sites.

Currently, the elections staff conducts two elections at one time because almost 75 percent of the active registered voters vote by absentee. They also operate 58 poll sites on Election Day. Voters also have the option of dropping off their voted ballots at one of the many staffed 'express booths' located throughout the county. By adding ranked choice voting to an already complex process, where accuracy is vital, Pierce County should consider conducting future elections entirely by mail.

The Pierce County elections staff continues to be proactive in ensuring that political party observers are present throughout the election process.

Additionally, Pierce County publishes an outstanding instructional manual for candidates and campaigns, "Elections Manual for Candidates and Campaigns," which is updated annually.

The Pierce County Elections Office continues to be a leader in innovative and creative ideas to provide services to the public. The reviewer was very impressed with all aspects of the Pierce County Elections Office.

Review Report Prepared by:

Kay Ramsay
Elections Program Specialist
Office of the Secretary of State

Date: April, 2008

Signature:

